

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONICA DAVIS,

Plaintiff,

v.

MOUNTAIN VIEW FUNERAL HOME,

Defendant.

CASE NO. C25-5579 BHS

ORDER

This matter is before the Court on pro se plaintiff Monica Davis's motion for leave to appeal *in forma pauperis*. Dkt. 8. The Court denied Davis's emergency motion for a temporary restraining order for failure to establish that she was likely to succeed on the merits of her claim, primarily because she did not file a complaint asserting any claims. Dkt. 2. It dismissed the case without prejudice because she had not filed a complaint properly invoking this Court's subject matter jurisdiction, because she failed to state a plausible claim, and because she had not responded to the Court's order to show cause. Dkt. 3.

Davis now seeks to appeal *in forma pauperis*, asserting that she is indigent. Dkt. 8. The Court accepts that she cannot afford the filing fee, but *in forma pauperis* status also

1 requires a plaintiff to state a plausible claim, or make a showing that there is some
2 potential merit to her appeal. *See* 28 U.S.C. § 1915(a)(3) (an appeal may not be taken *in*
3 *forma pauperis* if the trial court certifies in writing that it is not taken in good faith.).

4 The Court cannot conclude that Davis's appeal is taken in good faith because it
5 does not have any substantive merit. She has not filed a complaint, and she has not
6 asserted a claim within this Court's subject matter jurisdiction. *See* Dkts. 2, 3, 4, and 6.

7 The motion to appeal *in forma pauperis*, Dkt. 8, is **DENIED**. Her motion to
8 compel transmission of the record in this case to the Ninth Circuit, Dkt. 11, is **DENIED**
9 as unnecessary.

10 **IT IS SO ORDERED.**

11 Dated this 21st day of August, 2025.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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